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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,022	07/10/2001	Yuri Shtivelman	P3253C1	2846

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CENTRAL COAST PATENT AGENCY
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EXAMINER	
NGUYEN, STEVEN H D	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,022	SHTIVELMAN ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18,20,22,24 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18,20,22,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/8/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (USP 6320857) in view of Reimann (USP 5892764).

Regarding claim 18, Tonnby discloses a call waiting system comprising an Intemet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to an indication at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the calls (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons for transferring a call as disclosed by Reimann into the system of Tonnby. The motivation would have been to a friendly GUI to a user.

Regarding claim 20, Tonnby discloses a call-waiting system, comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on

incoming from network or outgoing calls from a user) and on a user's Intemet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of calls for the user, said service system generates alerts to the user's Intemet appliance of the calls (Col. 2, lines 56-67 and Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on the user's internet appliance presents each call as an icon wherein the user interfaces with calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user interfaces with calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something and activate a command by user are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons to allow a user to interface with the calls as disclosed by Reimann into the system of Tonnby. The motivation would have been to a friendly GUI to a user.

Regarding claim 22, Tonnby discloses a call-waiting system comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to

indications at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the call (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on the user's internet appliance presents each call as an icon wherein the user initiates outgoing calls by manipulating the icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user initiates outgoing calls by manipulating the icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something and activate a command by user are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and initiating the outgoing calls by manipulating the icons as disclosed by Reimann into the system of Tonnby. The motivation would have been to a friendly GUI to a user.

Regarding claims 24-25, Tonnby discloses a call-waiting system comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Intemet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the call (Col. 5, lines 15-65). However, the cooperating software on the user's internet appliance presents each call as an icon wherein the user causes a pre-

recorded message to be played to the caller by manipulating the icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user causes a pre-recorded message to be played to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something and activate a command by user are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and played a recorded message to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user as disclosed by Reimann into the system of Tonnby. The motivation would have been to a friendly GUI to a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven HD Nguyen
Primary Examiner
Art Unit 2616
May 18, 2006